

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LAMAR BURTON,

Plaintiff,

Case No. 4:20-cv-12501

Hon. Matthew F. Leitman

v.

CORRECTIONS OFFICER STEMEN,  
et al.,

Defendants.

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**ORDER DENYING WITHOUT PREJUDICE**  
**MOTION FOR APPOINTMENT OF COUNSEL [ECF No. 5]**

Plaintiff filed this civil rights case under 42 U.S.C. § 1983. Pending before the Court is Plaintiff's motion to appoint counsel. The court finds that appointment of counsel at this early stage of the litigation is unwarranted.

Appointment of counsel for prisoners proceeding in forma pauperis is governed by 28 U.S.C. § 1915, which states that "[t]he court may request an attorney to represent any person unable to afford counsel." 28 U.S.C. § 1915(e)(1).

The Sixth Circuit has stated:

Appointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances. In determining whether 'exceptional circumstances' exist, courts have examined the type of case and the abilities of the plaintiff to represent himself. This generally involves a determination of the complexity of

the factual and legal issues involved.

*Lavado v. Keohane*, 992 F.2d 601, 605-606 (6th Cir. 1993) (internal quotations and citations omitted). At this time, the Court declines to exercise its discretion to appoint counsel represent Plaintiff. Plaintiff has adequately alleged the claims forming the basis of this § 1983 lawsuit indicating his basic understanding of the legal process. Accordingly, Plaintiff's Motion for Appointment of Counsel is **DENIED** without prejudice.

**IT IS SO ORDERED.**

/s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: October 30, 2020

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 30, 2020, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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